

District of this State, is desirous of leaving the State for a period of seven days beginning October 18, 1937, on important business; now, therefore be it

Resolved by the House of Representatives, the Senate concurring, That said H. A. Dolan be granted permission to leave the State of Texas for a period of seven days beginning October 18, 1937.

The resolution was read second time, and was adopted.

EXCUSING EMPLOYEES

Mr. Derden moved that all employees be excused next Saturday afternoon.

The motion prevailed.

Mr. Worley moved that one-half of the employees be excused upon adjournment today.

The motion prevailed.

ADJOURNMENT

On motion of Mr. Brown, the House, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Commerce and Manufactures: House Bill No. 99.

Conservation and Reclamation: House Bill No. 38.

Counties: House Bills Nos. 115, 116 and 120.

Criminal Jurisprudence: House Bill No. 67.

Education: House Bill No. 98.

Game and Fisheries: House Bills Nos. 89, 97, 107, 108, 109, 111 and 114.

Highways and Motor Traffic: House Bill No. 92 and Senate Bill No. 1.

Judiciary: House Bills Nos. 101 and 118.

Municipal and Private Corporations: House Bill No. 110 and Senate Bill No. 6.

Privileges, Suffrages and Elections: House Bill No. 121.

State Affairs: House Bills Nos. 8 and 113.

The Committee on Judiciary filed an adverse report on House Bill No. 64.

THIRTEENTH DAY

(Monday, October 18, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Harrell
Adkins	Harris of Archer
Alexander	Harris of Dallas
Alsup	Harris of Dickens
Amos	Hartzog
Anderson	Heflin
Baker	Herzik
Bates	Holland
Beckworth	Hoskins
Bell	Huddleston
Blankenship	Hull
Boethel	Hyder
Bond	Jackson
Boyer	Johnson of Ellis
Bradbury	Johnson
Bridgers	of Tarrant
Broadfoot	Jones of Atascosa
Brown	Jones of Angelina
Burton	Jones of Falls
Cagle	Jones of Wise
Carssow	Keefe
Cathey	Kelt
Cauthorn	Kenyon
Celaya	Kern
Cleveland	King
Colquitt	Knetsch
Davis of Haskell	Langdon
Davis of Jasper	Lankford
Davison of Fisher	Lanning
Davisson	Leath
of Eastland	Lehman
Dean	Leonard
Deglandon	Leyendecker
Derden	Little
Dickison	Loggins
Dollins	London
England	Lucas
Farmer	Mann
Felty	Mauritz
Fielden	Mays
Fox	McConnell
Fuchs	McDonald
Gibson	McFarland
Graves	McKee
Hamilton	McKinney
Hankamer	Metcalfe
Hanna	Moffett
Harbin	Monkhouse
Hardin	Morris
Harper	Morse

Newton	Shell
Nicholson	Simpson
Palmer	Skaggs
Patterson	Smith of Hopkins
of Travis	Smith
Petsch	of Matagorda
Powell	Smith of Tarrant
Prescott	Stinson
Quinn	Stocks
Ragsdale	Talbert
Reader	Tarwater
Reed of Bowie	Tennant
Reed of Dallas	Tennyson
Rhodes	Thornberry
Riddle	Thornton
Roark	Vale
Ross	Waggoner
Russell	Westbrook
Rutta	Winfree
Schuenemann	Wood
Settle	Worley
Sewell	

Absent

Bradford Patterson of Mills

Absent—Excused

Callan	Pope
Donaghey	Sharpe
Howard	Stevenson
Keith	Weldon
Oliver	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Pope and Mr. Stevenson for today, on motion of Mr. Harris of Dallas.

Mr. Howard for today, on motion of Mr. Davison of Fisher.

Mr. Donaghey for today, on motion of Mr. Little.

Mr. Sharpe for today, on motion of Mr. Kenyon.

Mr. Callan for today, on motion of Mr. Hartzog.

The following Members were granted leaves of absence on account of illness:

Mr. Johnson of Ellis for today, on motion of Mr. Morse.

Mr. Weldon for today and the balance of the week, on motion of Mr. Harrell.

Mr. Oliver for today, on motion of Mr. Westbrook.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Weldon:

H. B. No. 126, A bill to be entitled "An Act requiring any person using any trap or similar device to take any of the birds or animals of this State, upon the private lands of another person in Van Zandt County, to first obtain and have in his possession a written permit; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provisions of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act and repealing all laws in conflict with any provisions of this Act, in so far as they relate to Van Zandt County."

Referred to the Committee on Game and Fisheries.

By Mr. Huddleston:

H. B. No. 127, A bill to be entitled "An Act validating, ratifying and confirming all bond issues heretofore voted and issued or heretofore voted and not issued, of all cities and towns in this State, for the purpose of constructing swimming pools, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Jones of Atascosa:

H. B. No. 128, A bill to be entitled "An Act to permit the granting of State aid in counties whose population is not less than eight thousand nine hundred and ten (8,910) nor more than eight thousand nine hundred and sixty (8,960) according to the Federal Census population of 1930 and whose population in school districts is not less than three thousand two hundred (3,200) and not more than three thousand two hundred and fifty (3,250) for the school year 1937-1938, which counties have been placed in the drouth area by Federal authority, and providing conditions for

calculating equalization aid, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Felty:

H. B. No. 129, A bill to be entitled "An Act to amend Article 5559, Title 92, of the Revised Civil Statutes of Texas, 1925, relating to record of proceedings and notice in lunacy proceedings, so as to provide that the County Clerk shall be required to enter in the minutes of the court only the judgments of the court rendered in lunacy proceedings; providing for the commitment and confinement of insane persons, and the manner thereof; the furnishing of a transcript of the proceedings relating thereto; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Thornton:

H. B. No. 130, A bill to be entitled "An Act amending Section 3 of the Uniform Narcotic Drug Act, as enacted by the Forty-fifth Legislature at its Regular Session in 1937 by House Bill No. 440, so as to require any apothecary to obtain a license before supplying narcotic drugs; and by amending said Act further by adding a new section to be numbered Section 24 (a) providing a conviction under said Act may be had on uncorroborated testimony of an accomplice, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Graves:

H. B. No. 131, A bill to be entitled "An Act making an appropriation of the sum of Forty Thousand (\$40,000.00) Dollars or so much thereof as may be necessary, out of funds in the State Treasury, not otherwise appropriated, to pay contingent expenses, and to pay mileage and per diem of Members and per diem of officers and employees of the Second Called Session of the Forty-fifth Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

CONCERNING THE GROWING OF NURSERY STOCK BY GOVERNMENTAL AGENCIES

Mr. Wood offered the following resolution:

H. C. R. No. 43, To request Governmental Agencies to refrain from going into competition with private industries.

Whereas, It is commonly known that the Nursery Business of the State of Texas is a young and infant business; and

Whereas, It is known that the people engaged in this business pay into the State Treasury every year a large amount of taxes and in addition employ a large amount of persons; and

Whereas, The State Highway Department, A. and M. College and other governmental agencies have entered into the business of raising and cultivating such evergreens and nursery stock; and

Whereas, It is reported that several of the State agencies have entered into this business for the purpose of profit and in competition to private business; and

Whereas, It is recognized that such evergreens and nursery stock can be produced by State agencies cheaper, and offered for sale at a lower price than can be offered by the persons engaged in private business; and

Whereas, It is recognized by the Legislature that for these State agencies to grow such evergreens and nursery stock and offer same for sale in competition to private industries is an unfair practice and unjust to those people who have entered into this industry; and

Whereas, It is recognized by the Legislature of the State of Texas that it is unfair for the State of Texas and any of its governmental agencies to enter into this line of business in competition to private industries; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State Highway Department and other governmental agencies be, and the same is hereby requested, not to offer for sale in competition to private industries, evergreens of any description, rose bushes and nursery stock.

WOOD,
LANGDON.

The resolution was read second time.

Mr. Reed of Dallas raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Morse offered the following resolution:

H. C. R. No. 44, To grant Russ Mitchell, Inc., permission to sue the State.

Whereas, On November 15, 1935, Russ Mitchell, Inc., a corporation, acting by and through its president, made and entered into a written contract with the State of Texas acting by and through the State Highway Commission, for grading and drainage structures on Highway No. 44 in Milam County, Texas, from Station 0+00 Minerva to Station 291+00 Junction Highway 36, known as Control No. 210-1-1, WPSS Project 823-A; and

Whereas, The said Russ Mitchell, Inc., has subsequent to the said November 15, 1935, completed the grading and drainage structures and performed the work required of it pursuant to the terms and provisions of said contract and the said construction and work was accepted by the State Highway Commission on September 4, 1936; and

Whereas, A dispute has arisen between the State Highway Commission and Russ Mitchell, Inc., as to the amount of the balance, if any, owing under this contract by the State Highway Commission to the said Russ Mitchell, Inc.; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Russ Mitchell, Inc., its successors or assigns be, and is hereby granted permission to bring suit against the State of Texas and the State Highway Commission and the members composing the said State Highway Commission in a court of competent jurisdiction in Milam County, Texas, to ascertain and fix the amount, if any, that the said State Highway Commission of the State of Texas, and the State of Texas, are indebted to the said Russ Mitchell, Inc., on account of work done and performed by the said Russ Mitchell, Inc., pursuant to the terms

and provisions of said contract and that in case such suit be filed service of citation or other necessary process shall be had upon the Attorney General of the State of Texas and the Chairman of the State Highway Commission of the State of Texas, and that the same have the same force and effect as made and provided in civil cases; and provided that any one of the parties to said suit shall have the right to appeal without the execution of bond; and any judgment that shall be finally established against the State Highway Commission of the State of Texas and the State of Texas in said suit shall be liquidated debt and shall be paid by the State Highway Commission of the State of Texas out of the State Highway Fund; and the Attorney General is authorized and directed to defend the State of Texas and the State Highway Commission of the State of Texas in any such suit and is authorized and empowered to make and enter into any compromise or settlement which to him seems just, equitable and fair.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Carssow offered the following resolution:

H. C. R. No. 45, To grant Mrs. J. Albert Ackermann permission to sue the State.

Whereas, The State Highway Department of the State of Texas, in carrying out certain construction work on part of State Highway No. Three, in Bexar County, Texas, such work being done under the control of the State Highway Department, and in accordance with plans and specifications prepared by it, and under contract let by it, did, according to the claim of Mrs. J. Albert Ackermann, an adult feme sole, who owns lands in proximity to said Highway, cause certain damage to her said lands, crops and personal property of said lands by changing the course of and diverting waters coming from average rainfall, onto and across her lands, and she desires to bring and to maintain suit against the State of Texas, the State Highway Department of Texas and the Texas and New Orleans Railroad Company for the purpose of covering her damages and

determining which of said parties is liable therefor, jointly or separately; and

Whereas, The said Mrs. J. Albert Ackermann, an adult feme sole, claims that the damage that was so done to her lands, crops and personal property would not have taken place had not said road been constructed in the manner in which it was constructed or if it had not been constructed at all; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Mrs. J. Albert Ackermann, an adult feme sole, be and is hereby granted permission to bring and maintain said suit against the State of Texas, the State Highway Department of Texas, or either of them, or to join them, or either of them, together with the Texas and New Orleans Railroad, as parties defendant in said suit in any court of competent jurisdiction of the amount involved, in Bexar County, Texas, for the purpose of determining the compensation or damages, if any, the said Mrs. J. Albert Ackermann, an adult feme sole, is entitled to recover by reason of the premises above set out, and the liability, if any, of the State of Texas and the State Highway Department of the State of Texas therefor, and that any damages or compensation therein determined to be owing to the said Mrs. J. Albert Ackermann, an adult feme sole, by the State of Texas or the State Highway Department of Texas, shall be paid out of the State Highway Funds; and, be it further

Resolved, That service of all necessary process may be had upon the Highway Commission of the State of Texas or the Attorney General of said State, with the same force and effect as in civil cases is made and provided, and provided that any of the parties to said suit shall have the right to appeal; and, be it further

Resolved, That the Attorney General and the Highway Commission of the State of Texas, either or both, be and are hereby authorized to compromise or otherwise settle any such suit, if, in the opinion of the Attorney General, or Highway Commission, the said Mrs. J. Albert Ackermann, an adult feme sole, is entitled to compensation because of her injury and damage, if any, and that the Comptroller be and is hereby authorized and instructed to settle same in compliance therewith, and charge same

against the State Highway Fund; and, be it further

Resolved, That any such suit shall be tried according to the same rules of law and procedure as to liability and defense of the State of Texas and the State Highway Department of Texas, that would be applicable if such suit were brought against any private corporation under the same facts and circumstances as provided by the laws of this State.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

SPECIAL ORDER SET

Mr. Tarwater moved that House Bill No. 92 be set as a special order for 10:00 o'clock a. m., next Tuesday.

The motion prevailed.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 2, To grant Vina Woods and others permission to sue the State.

H. C. R. No. 8, To grant Mrs. Eura Boulware permission to sue the State.

H. C. R. No. 10, To grant Mr. and Mrs. C. F. Rohrer permission to sue the State.

H. C. R. No. 13, To grant Mrs. Lillian Stallings Russell and others permission to sue the State.

MESSAGE FROM THE SENATE

Austin, Texas, October 18, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 5, Granting Walter Strickland permission to sue the State. (With amendments.)

H. C. R. No. 39, Authorizing the Enrolling Clerk of the House to make certain corrections to House Bill No. 36.

H. C. R. No. 42, Granting Judge H. A. Dolan of the 26th Judicial District permission to leave the State.

Has passed

H. B. No. 82, A bill to be entitled "An Act to amend Section 8 of House

Bill No. 226 of the Regular Session of the Forty-fourth Legislature, being Chapter 4, Acts of the Regular Session of 1935, extending the time of existence of the Special District Court of Gregg County, Texas, to January 25, 1943, and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, and declaring an emergency."

H. B. No. 91, A bill to be entitled "An Act declaring it unlawful to take, hunt or kill deer in San Jacinto County for a period of five years; prescribing a penalty, and declaring an emergency."

H. B. No. 95, A bill to be entitled "An Act validating county elections heretofore held for the issuance of bonds for hospital purposes, applicable only to such counties as contain a city having a population of not less than one hundred fifty thousand (150,000) according to the last preceding Federal Census; validating the actions of county officials and State officials in executing, approving, registering, selling and delivering said bonds; providing that this Act shall not affect litigation pending at the time the Act becomes effective, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

TO REQUEST THE GOVERNOR TO SUBMIT CERTAIN SUBJECT

The Speaker laid before the House, as unfinished business, House Simple Resolution No. 22, To request the Governor to submit the subject of appropriations to this Session.

The resolution having been read second time on Monday, October 11.

(Mr. Bond in the Chair.)

Mr. Leonard moved that the resolution be referred to the Committee on Appropriations.

Question recurring on the motion by

Mr. Leonard, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50

Amos	Leyendecker
Anderson	London
Bates	Mays
Boethel	McConnell
Bridgers	McDonald
Burton	McFarland
Cagle	Metcalfe
Cauthorn	Morris
Celaya	Morse
Cleveland	Newton
Davis of Haskell	Palmer
Davisson	Patterson
of Eastland	of Travis
Dickison	Powell
England	Prescott
Fox	Ragsdale
Graves	Reader
Harper	Ross
Herzik	Settle
Holland	Skaggs
Hyder	Smith of Hopkins
Jones of Angelina	Smith
Jones of Falls	of Matagorda
Jones of Wise	Stinson
Keefe	Tarwater
Kelt	Thornberry
Leonard	

Nays—79

Adkins	Harrell
Alexander	Harris of Dallas
Alsup	Harris of Dickens
Baker	Hartzog
Beckworth	Heflin
Bell	Hoskins
Blankenship	Huddleston
Bond	Hull
Boyer	Jackson
Bradbury	Johnson
Broadfoot	of Tarrant
Brown	Jones of Atascosa
Carssow	Kenyon
Colthay	Kern
Colquitt	King
Davis of Jasper	Knetsch
Davison of Fisher	Langdon
Dean	Lankford
Deglandon	Lehman
Derden	Little
Dollins	Loggins
Farmer	Lucas
Felty	Mann
Fielden	Mauritz
Fuchs	McKee
Gibson	Moffett
Hamilton	Monkhouse
Hanna	Nicholson
Harbin	Quinn
Hardin	Reed of Bowie

Reed of Dallas
Rhodes
Riddle
Roark
Russell
Rutta
Schuenemann
Sewell
Shell
Simpson

Stocks
Talbert
Tennant
Tennyson
Thornton
Waggoner
Westbrook
Winfree
Wood
Worley

Absent

Bradford
Hankamer
Harris of Archer
Lanning
Leath

McKinney
Patterson of Mills
Petsch
Smith of Tarrant
Vale

Absent—Excused

Callan
Donaghey
Howard
Johnson of Ellis
Keith

Oliver
Pope
Sharpe
Stevenson
Weldon

Mr. Mays moved that the resolution be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 63; nays, 70.

Mr. Patterson of Travis and Mr. Mays requested a verification of the vote.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—61

Adkins
Alsup
Amos
Bates
Boethel
Broadfoot
Brown
Burton
Cauthorn
Celaya
Cleveland
Davis of Haskell
Davis of Jasper
Davisson
of Eastland
Deglandon
Dickison
England
Fox
Graves
Hamilton
Harbin

Harper
Harrell
Harris of Dickens
Heflin
Holland
Hyder
Jones of Angelina
Jones of Falls
Jones of Wise
Keefe
Kelt
King
Leonard
Leyendecker
London
Mays
McConnell
McDonald
McFarland
Metcalf
Morris
Morse

Palmer
Patterson
of Travis
Powell
Prescott
Quinn
Ragsdale
Reader
Ross
Rutta

Settle
Skaggs
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stinson
Tarwater
Thornberry
Westbrook

Nays—71

Alexander
Anderson
Baker
Beckworth
Bell
Blankenship
Bond
Boyer
Bradbury
Bridgers
Cagle
Carssow
Cathey
Colquitt
Davison of Fisher
Dean
Derden
Dollins
Farmer
Felty
Fielden
Fuchs
Gibson
Hankamer
Hanna
Hardin
Harris of Archer
Harris of Dallas
Hartzog
Hoskins
Huddleston
Hull
Jackson
Johnson
of Tarrant
Jones of Atascosa

Kenyon
Kern
Knetsch
Langdon
Lankford
Lanning
Lehman
Little
Loggins
Lucas
Mann
Mauritz
McKee
Moffett
Monkhouse
Newton
Nicholson
Reed of Bowie
Reed of Dallas
Rhodes
Riddle
Roark
Russell
Schuenemann
Sewell
Shell
Simpson
Stocks
Talbert
Tennant
Tennyson
Thornton
Waggoner
Winfree
Wood
Worley

Present—Not Voting

Petsch

Absent

Bradford
Herzik
Leath

McKinney
Patterson of Mills
Vale

Absent—Excused

Callan
Donaghey
Howard
Keith
Johnson of Ellis

Oliver
Pope
Sharpe
Stevenson
Weldon

The Chair announced that the motion to table was lost.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—74

Alexander	Kenyon
Anderson	Kern
Baker	Knetsch
Beckworth	Langdon
Bell	Lankford
Blankenship	Lanning
Bond	Lehman
Boyer	Little
Bradbury	Loggins
Bridgers	Lucas
Brown	Mann
Carssow	Mauritz
Cathey	McKee
Celaya	Moffett
Colquitt	Monkhouse
Davison of Fisher	Newton
Dean	Nicholson
Derden	Quinn
Dollins	Reed of Bowie
Farmer	Reed of Dallas
Felty	Rhodes
Fielden	Riddle
Fuchs	Roark
Gibson	Russell
Hankamer	Schuenemann
Hanna	Sewell
Hardin	Shell
Harris of Archer	Simpson
Harris of Dallas	Stocks
Hartzog	Talbert
Herzik	Tennant
Hoskins	Tennyson
Huddleston	Thornton
Hull	Waggoner
Jackson	Winfree
Johnson	Wood
of Tarrant	Worley
Jones of Atascosa	

Nays—56

Adkins	Fox
Alsup	Graves
Amos	Hamilton
Bates	Harbin
Boethel	Harper
Burton	Harris of Dickens
Cauthorn	Heflin
Cleveland	Holland
Davis of Haskell	Hyder
Davis of Jasper	Jones of Angelina
Davison	Jones of Falls
of Eastland	Jones of Wise
Deglandon	Keefe
Dickison	Kelt
England	King

Leonard	Ragsdale
Leyendecker	Reader
London	Ross
Mays	Rutta
McConnell	Settle
McDonald	Skaggs
McFarland	Smith of Hopkins
Metcalfe	Smith
Morris	of Matagorda
Morse	Smith of Tarrant
Palmer	Stinson
Patterson	Tarwater
of Travis	Thornberry
Powell	Westbrook
Prescott	

Present—Not Voting

Petsch

Absent

Bradford	Leath
Broadfoot	McKinney
Cagle	Patterson of Mills
Harrell	Vale

Absent—Excused

Callan	Oliver
Donaghey	Pope
Howard	Sharpe
Johnson of Ellis	Stevenson
Keith	Weldon

Mr. Jones of Atascosa moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

Alexander	Fielden
Anderson	Gibson
Baker	Hankamer
Beckworth	Hanna
Bell	Hardin
Blankenship	Harris of Archer
Bond	Harris of Dallas
Boyer	Hartzog
Bradbury	Heflin
Bridgers	Holland
Cagle	Hoskins
Carssow	Howard
Cathey	Huddleston
Colquitt	Hull
Davison of Fisher	Jackson
Dean	Johnson
Derden	of Tarrant
Dollins	Jones of Atascosa
Farmer	Kenyon
Felty	Kern

King	Reed of Dallas
Knetsch	Rhodes
Langdon	Riddle
Lankford	Roark
Lanning	Russell
Little	Schuenemann
Loggins	Sewell
Lucas	Shell
Mann	Simpson
Mauritz	Stocks
McKee	Talbert
McKinney	Tarwater
Moffett	Tennant
Monkhouse	Tennyson
Newton	Thornton
Nicholson	Waggoner
Petsch	Winfree
Quinn	Wood
Reed of Bowie	Worley

Nays—50

Adkins	Lehman
Alsup	Leyendecker
Amos	London
Bates	Mays
Boethel	McDonald
Burton	McFarland
Cauthorn	Metcalfe
Cleveland	Morris
Davis of Haskell	Morse
Davis of Jasper	Palmer
Davisson	Patterson
of Eastland	of Travis
Deglandon	Powell
England	Prescott
Fox	Ragsdale
Fuchs	Reader
Graves	Ross
Hamilton	Rutta
Harbin	Settle
Harper	Skaggs
Harris of Dickens	Smith of Hopkins
Hyder	Smith
Jones of Angelina	of Matagorda
Jones of Falls	Stinson
Jones of Wise	Thornberry
Keefe	Westbrook
Kelt	

Absent

Bradford	Leath
Broadfoot	Leonard
Brown	McConnell
Celaya	Patterson of Mills
Dickison	Smith of Tarrant
Harrell	Vale
Herzik	

Absent—Excused

Callan	Pope
Donaghey	Sharpe
Johnson of Ellis	Stevenson
Keith	Weldon
Oliver	

REASONS FOR VOTE

"While I should like to economize, I know for a fact that the House of Representatives could not make an intelligent study of five major appropriation bills in one week. The reduction in appropriations could not in any manner relieve the current emergency of providing funds for old age assistance and social security, as they are paid from entirely different funds, and reducing the appropriations (particularly when there is not sufficient time for reflective study of them) would not provide funds for old age assistance and social security. I therefore voted against the resolution by Mr. Jones."

HOLLAND.

"I voted against the resolution because I do not believe in the Legislative branch of the Government attempting to tell the Executive what to do or otherwise interfere with functions of his office, and neither do I think the Legislature can give appropriations the consideration it should in the short time remaining of this Called Session."

TARWATER.

"I favor strict economy and have many times so voted in the past. I favor economy now. But this matter was not submitted by the Governor and is therefore not before the House. So why pass a resolution of this kind when it would, in these late hours of the session, have a tendency to defeat the very purpose for which this session was called."

McCONNELL.

BILL RE-REFERRED

Mr. Metcalfe moved that House Bill No. 128 be withdrawn from the Committee on Education and referred to the Committee on Appropriations.

Mr. Jones of Atascosa asked unanimous consent of the House, that House Bill No. 128 be withdrawn from the Committee on Education and referred to the Committee on Appropriations.

There was no objection offered and it was so ordered.

REASON FOR VOTE

"Due to severe illness I was unable to be present when the final vote was taken on the Omnibus Tax Bill and the Sale-by-Drink Liquor Bill.

Had I been present I would have voted and worked for the passage of the Ten Million Dollar Natural Resource Tax Bill, and I would have voted against the Sale-by-Drink Liquor Bill. My vote would not have changed the result; however, I want the public to know how I stand on the two issues."

WESTBROOK.

ADJOURNMENT

Mr. Dean moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Russell moved that the House recess until 2:30 o'clock p. m., today.

Question first recurring on the motion to adjourn, it prevailed, and the House, accordingly, at 12:35 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Education: House Bill No. 106.

Revenue and Taxation: House Bill No. 87.

The Committee on Revenue and Taxation filed an adverse report on House Bill No. 24.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 20, A bill to be entitled "An Act levying additional taxes upon the sale of alcoholic beverages in this State; levying a gross proceeds tax of ten per cent (10%) upon sales of liquor under a Dispenser's Permit; providing the manner of the collection of said tax; fixing penalties for failure to pay the State the taxes due thereon; defining the powers and duties of Texas Liquor Control Board with respect to the collection of said tax; authorizing the issuance of a Dispenser's Permit for the sale of diluted distilled spirits; fixing the

qualifications of persons entitled to hold such permits; authorizing the Texas Liquor Control Board or the Administrator to cancel or suspend the same for violations; fixing the fees for such permits; providing for local option elections to legalize or prohibit the issuance of such permits; allocating fees and revenues derived from said permits to the Old Age Assistance Fund; excepting the holders of Dispenser's Permits from the prohibitions contained in Section 3 (a) of Article I of the Texas Liquor Control Act; amending the Texas Liquor Control Act by adding thereto a new section, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, October 15, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 42, Granting H. A. Dolan, District Judge of the Twenty-sixth Judicial District, permission to leave the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, October 15, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 39, Authorizing the Enrolling Clerk of the House of Representatives to make certain typographical corrections in House Bill No. 36.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, October 18, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 13, Granting Mrs. Lillian Stallings Russell and others

permission to sue the State of Texas and the Texas A. and M. College.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 18, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 10, Granting permission to Mr. and Mrs. C. F. Rohrer to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 18, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 8, Granting permission to Mrs. Eura Boulware to sue the State.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 18, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 2, Granting permission to Vina Wood, surviving wife of J. W. Wood deceased, and Smoky Wood and Sid Wood, surviving heirs of J. W. Wood deceased, to sue the State Highway Commission and the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

BILLS AND RESOLUTION SENT TO THE GOVERNOR

October 18, 1937

House Bill No. 10.

House Bill No. 40.

House Concurrent Resolution No. 37.

FOURTEENTH DAY

(Tuesday, October 19, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Johnson
Adkins	of Tarrant
Alexander	Jones of Angelina
Alsup	Jones of Atascosa
Amos	Jones of Falls
Anderson	Jones of Wise
Baker	Keefe
Beckworth	Kelt
Bell	Kenyon
Blankenship	King
Boethel	Kern
Bond	Knetsch
Boyer	Langdon
Bradbury	Lankford
Bridgers	Lanning
Broadfoot	Leath
Brown	Lehman
Burton	Leonard
Cagle	Leyendecker
Callan	Little
Carssow	London
Cathey	Lucas
Cauthorn	Mauritz
Celaya	Mays
Cleveland	McConnell
Colquitt	McDonald
Davis of Haskell	McFarland
Davis of Jasper	McKee
Davison of Fisher	McKinney
Dean	Metcalfe
Deglandon	Moffett
Derden	Monkhouse
Dickison	Morris
Dollins	Morse
England	Newton
Farmer	Nicholson
Fielden	Oliver
Fox	Palmer
Fuchs	Patterson of Mills
Gibson	Patterson
Graves	of Travis
Hamilton	Petsch
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Hardin	Ragsdale
Harper	Reader
Harrell	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Riddle
Hartzog	Roark
Heflin	Ross
Herzik	Russell
Holland	Rutta
Hoskins	Schuenemann
Huddleston	Settle
Hull	Shell
Hyder	Simpson
Jackson	Skaggs
Johnson of Ellis	Smith of Hopkins